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EXAMINER

JOHNSON, MARLON B

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/532,551

Applicant(s)

SEVANTO ET AL.

Examiner

Marlon Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



Detailed Action

Claim Rejections – 35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated over Roy (6,081,513).

In considering claim 1,

Roy discloses a method for setting up an active connection for transmitting multimedia-related information between a terminal arrangement and a network device arrangement coupled to a packet-switched data transmission network, comprising the steps of:

- defining a first protocol stack for the terminal arrangement and a second protocol stack for the network device arrangement, the protocol stacks consisting of layers, for arranging the mutual exchange of information between the terminal

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arrangement and the network device arrangement (see Fig. 2, MPC Protocol Stack 10-1, MMB Protocol Stack 10-2; col. 4, lines 20-41),

- defining an Internet Protocol layer for the transmission of packetized data as a certain layer in the first protocol stack and a certain layer in the second protocol stack so that the defined Internet Protocol layers are peer entities (see Fig. 2, “IP” 10-1 and 10-2),

- defining a multimedia messaging transport protocol layer as a certain layer above the Internet Protocol layer in the first and second protocol stacks so that the defined multimedia messaging transport protocol layers are peer entities (see Fig. 2, “TCP/UDP” 10-1 and 10-2; col. 4, lines 42-65), and

- exchanging multimedia-related information between the multimedia messaging transport protocol layer in the terminal arrangement and the multimedia messaging transport protocol layer in the network device arrangement through the use of the defined Internet Protocol layers as well as other lower layers in the first and second protocol stacks (see col. 5, lines 10-24).

In considering claim 10,

Roy discloses a network device arrangement for exchanging multimedia-related information with a terminal arrangement through a packet-switched data transmission network, comprising;

- a transmission unit (see Fig. 4A, Media Bridging), and
- a control entity (see Fig. 4A Multimedia Bridge Resource Manager 47)
- a data storage (see Fig. 4A, Memory 47-3);

wherein the control entity is arranged to:

- implement a protocol stack and an Internet Protocol layer for the transmission of packetized data as a certain layer in the protocol stack, for arranging the mutual exchange of information between the terminal arrangement and the network device arrangement, which Internet Protocol layer is adapted to act as a peer entity to a corresponding Internet Protocol layer in the terminal arrangement (see Fig. 2, MPC Protocol Stack 10-1, MMB Protocol Stack 10-2, "IP"; col. 4, lines 20-41),

- implement a multimedia messaging transport protocol layer in the protocol stack (see Fig. 2, "TCP/UDP" 10-1 and 10-2; col. 4, lines 42-65), and

- exchange multimedia-related information between said multimedia messaging transport protocol layer in the protocol stack and the network device arrangement through the use of the Internet Protocol layer as well as other lower layers in the protocol stack, which multimedia messaging transport protocol layer is adapted to act as a peer entity to a corresponding multimedia messaging transport protocol layer in the terminal arrangement (see col. 5, lines 10-24).

In considering claim 11,

Roy discloses a network device arrangement according to claim 10, comprising a node device of the packet-switched data transmission network (Fig. 1, Router 3-4) and a multimedia messaging device coupled to said node device (Fig. 1, MMB 7), whereby the control entity consists of parts distributed into said node device and said multimedia messaging device (via protocol stacks), so that said Internet Protocol layer is implemented in said node device (see Fig. 2, Router Protocol Stack 12-2, "IP") and said multimedia messaging transport protocol layer is implemented in said multimedia messaging device (see Fig. 2, MMB Protocol Stack 10-2).

Claim Rejections – 35 U.S.C. 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1 and 10 above, and further in view of Burgaleta Salinas et al. (6,469,998).

In considering claim 7,

Although Roy shows substantial features of the claimed invention, he fails to disclose a method comprising the step of dynamically allocating an address to the terminal arrangement for identifying the terminal arrangement to the network device arrangement on the Internet Protocol level. However, Burgaleta Salinas et al., whose invention is a method and system for efficiently routing terminating data packets to a specific mobile subscriber, discloses such a dynamic allocation of an address to the terminal arrangement (Fig. 1, Mobile Station 16) for identifying the terminal arrangement to the network device arrangement on the Internet Protocol level (see Figs. 2 and 3, GGSN 54; Fig. 3A, Dynamic Address Controller 82; col. 8, lines 41-56), in addition to exchanging multimedia information (via video conference application) (see col. 2, lines 28-33). Therefore, given the teachings of Burgaleta Salinas et al., it would have been obvious for a person having ordinary skills in the art to modify Roy by dynamically allocating an address to the terminal arrangement for identifying the terminal arrangement to the network

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device arrangement on the Internet Protocol level in order to assign temporary addresses to the terminal arrangements during the multimedia messaging session.

In considering claim 2,

Burgaleta Salinas et al. discloses a method comprising the steps of:

- conveying a request for activating the exchange of multimedia-related information from the terminal arrangement to the network device arrangement (see Fig. 9, PDP address request 2), and

- as a response to said request, conveying from the network device arrangement (Fig. 2, GGSN 54) to the terminal arrangement a response comprising an address for identifying the network device arrangement to the terminal arrangement on the Internet Protocol level (see Fig. 9, PDP address response 5).

In considering claim 3,

Roy discloses a method wherein the step of conveying a request for activating the exchange of multimedia-related information comprises the substeps of:

- conveying a primary request from the terminal arrangement to a routing device (Fig. 1, Router 3-1), said primary request comprising a general indication that said primary request is related to the activation of the exchange of multimedia-related information (see Fig. 2, Multimedia Personal Computer Protocol Stack 10-1, Router Protocol Stacks 12-1 and 12-2; Fig. 5, Setup Request 15; col. 6, lines 44-59; col.8, lines 24-37), and

- on the basis of said general indication, conveying from said routing device to the network device arrangement a secondary request (see Fig. 2, Multimedia Bridge Protocol

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Stack 10-2, Router Protocol Stacks 12-1 and 12-2; Fig. 5, Setup Request 15; col. 6, lines 44-59; col.8, lines 24-37) [note: in order for an IP packet to be transmitted from the multimedia personal computer 1-1 to the multimedia database 7, in Figs. 1 and 5, it must be sent through the routers 3-1 and 3-4, which are represented by protocol stacks 12-1 and 12-2 in Fig. 2].

In considering claim 5,

Roy discloses a method, wherein the step of conveying a response comprises the substeps of:

- conveying a primary response from the network device arrangement to a routing device, said primary response comprising an address for identifying the network device arrangement to the terminal arrangement on the Internet Protocol level (see Fig. 2, Multimedia Bridge Protocol Stack 10-2, Router Protocol Stacks 12-2 and 12-1; Fig. 5, Setup Response 17; col. 6, lines 44-59; col.8, lines 24-37), and
- conveying from said routing device to the terminal arrangement a secondary response comprising said address (see Fig. 2, Multimedia Personal Computer Protocol Stack 10-1, Router Protocol Stacks 12-2 and 12-1; Fig. 5, Setup Response 17; col. 6, lines 44-59; col.8, lines 24-37) [note: in order for an IP packet to be transmitted from the multimedia database 7 to the multimedia personal computer 1-1, in Figs. 1 and 5, it must be sent through the routers 3-4 and 3-1, which are represented by protocol stacks 12-2 and 12-1 in Fig. 2].

In considering claim 8,

Roy discloses a terminal arrangement for exchanging multimedia-related information

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with a network device arrangement through a packet-switched data transmission network, comprising:

- a radio transceiver block,
- a control entity (CPU),
- a user data part (Monitor Keyboard, etc.)

wherein the control entity is arranged to:

- implement a protocol stack and an Internet Protocol layer for the transmission of packetized data as a certain layer in the protocol stack, for arranging the mutual exchange of information between the terminal arrangement and the network device arrangement, which Internet Protocol layer is adapted to act as a peer entity to a corresponding Internet Protocol layer in the terminal arrangement (see Fig. 2, MPC Protocol Stack 10-1, MMB Protocol Stack 10-2, "IP"; col. 4, lines 20-41),

- implement a multimedia messaging transport protocol layer in the protocol stack (see Fig. 2, "TCP/UDP" 10-1 and 10-2; col. 4, lines 42-65), and

- exchange multimedia-related information between said multimedia messaging transport protocol layer in the protocol stack and the network device arrangement through the use of the Internet Protocol layer as well as other lower layers in the protocol stack, which multimedia messaging transport protocol layer is adapted to act as a peer entity to a corresponding multimedia messaging transport protocol layer in the terminal arrangement (see col. 5, lines 10-24).

Additionally,

Burgaleta Salinas et al. discloses a terminal arrangement (Fig. 1, Mobile Terminal 16) for

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exchanging multimedia-related information with a network device arrangement through a packet-switched data transmission network, comprising:

- a control entity (e.g. processor),
- a user data part (e.g. keypad),
- a radio transceiver block (cell phone antenna),
- a decoding/demultiplexing block arranged to separate received signalling information from received user data and to direct the former into the control entity, and
- an encoding/multiplexing block arranged to take signalling information from the control entity and to multiplex it for transmission with user data coming from the user data part [note: in order for the mobile terminal device to transmit and receive signals, it must contain an encoder/multiplexer and a decoder/demultiplexer).

In considering claim 9,

Burgaleta Salinas et al. discloses a terminal arrangement according to claim 8, comprising a communication device (Fig. 1, Laptop 14) and a presentation device coupled to said communication device (Fig. 1, Mobile Terminal 16), whereby the control entity consists of parts distributed into said communication device and said presentation device, so that that Internet Protocol layer is implemented in said communication device and said multimedia messaging transport protocol layer is implemented in said presentation device (see col. 2, lines 8-33; col. 3, lines 14-29).

5. Claims 4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Roy and Burgaleta Salinas et al. as applied to claim 2 and 5 above, and further in view of Hart (Protocol Validation and Implementation: A Design Methodology Using LOTUS and ROOM).

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In considering claim 4,

Although Roy and Burgaleta Salinas et al. show substantial features of the claimed invention, they fail to disclose a method wherein said primary request is an Activate PDP Context Request message. However, Hart, whose invention is a method for describing the GPRS Tunneling Protocol using LOTUS and deriving a model in the ROOM notation, discloses such a primary request being an Activate PDP Context Request message that is sent from a terminal arrangement (Fig. 4.3, MS) to a network device arrangement (Fig. 4.3, GGSN) (see Fig. 4.4, :Activate PDP Context Request" arrow). Therefore, given the teachings of Hart, it would have been obvious for a person having ordinary skills in the art to modify Roy and Burgaleta Salinas et al. by allowing the primary request to be an Activate PDP Context Request message in order to provide for the transfer of messages over a 3G wireless cellular network.

Furthermore,

Hart discloses an Activate PDP Context Request message comprising :

- a Network Service Access Point Identifier for identifying the PDP context to be activated,
- a PDP Type value for identifying the protocol as Internet,
- a dummy Access Point Name for indicating that said Activate PDP Context Request is related to the activation of the exchange of multimedia-related information,
- a QoS Requested field for indicating the requested quality of service for the PDP context to be activated, and
- a PDP Configuration Options field for carrying other information related to the PDP context to be activated [note: a PDP Context message must include the fields NSAPI

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(a network layer service access point identifier), PDP Type (whether IP or X.25), Access Point Name (which is requested by the MS), QoS Profile Name (the quality of service profile negotiated), and other configurations option fields (MNRG, Recovery)], and said secondary request is a Create PDP Context Request message (see Fig. 4.3, "Create PDP Context Request" arrow).

In considering claim 6,

Hart discloses a method wherein said primary response is a Create PDP Context Response message comprising a PDP Configuration Options field to convey the address (see Fig. 4.3, "Create PDP Context Response" arrow), and the secondary response is a Activate PDP Context Accept message (see Fig. 4.3, "Activate PDP Context Accept" arrow) [note: a PDP Context message must include the field PDP Address].

Response to Arguments

6. Applicant's arguments filed 5/23/03 have been fully considered but they are not persuasive.

Applicant(s) argues on page 10, lines 7-11, 13-17, 21-26, page 11, lines 1-2, 13-16, 23-26, and page 12, lines 1-4 and 11-19, that Roy fails to disclose the Internet Protocol layer being adapted to act as a peer entity to a corresponding Internet Protocol layer in a terminal arrangement. The applicant's arguments are not persuasive. The applicant(s) use Fig. 2 in Roy as an example, indicating that the IP layer of end device 10-1 is a peer of the IP layer of router 12-1, the IP layer of end device 10-2 is a peer of the IP layer of router 12-2, and that the IP layer

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of router 12-1 is a peer of the IP layer of router 12-2. Thus, the applicant(s) interpretation of peer entity is not consistent with conventional knowledge in the art. The examiner has supplied a definition of peer/peer entity from three different dictionaries (Microsoft Computer Dictionary – 5th Edition, Newton's Telecom Dictionary – 18th Edition, and the Authoritative Dictionary of IEEE Standards and Terms – 7th Edition). From these definitions, it is noted that a peer entity, as commonly used in the art, is *any* of the devices on a layered communications network that operate on the same protocol level. This definition does not explicitly or implicitly state that peer entities *must* be *adjacent* to each other, without having any other devices in between those two entities. Thus, it is clear that, in Fig. 2 of Roy, all of the stacks 10-1, 12-1, 12-2, and 10-2 are peer entities of one another.

Conclusion

7. This action is made final. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (Phillips 6370399, Mustajarvi et al. 6512756, Monin et al. 6304564, Haumont et al. 6233458, Lincke et al. 6397259, Hamalainen 6434133, Cobo et al. 6496690).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Johnson whose telephone number is (703) 305-4642. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3230.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marlon B. Johnson



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